

## **Exhibit 15**

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Rita Hanscom in Support of  
Plaintiffs' Opposition to Dey, Inc. and Dey, L.P.'s Motion for Partial Summary Judgment

Sacramento, CA

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY)

AVERAGE WHOLESALE PRICE )

LITIGATION )

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THIS DOCUMENT RELATES TO ) MDL No. 1456

State of California, ex rel. ) Civil Action:

Ven-A-Care v. Abbott ) 01-12258-PBS

Laboratories, Inc., et al. )

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VOL. II

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MONDAY, SEPTEMBER 22, 2008

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VIDEOTAPED DEPOSITION OF

J. KEVIN GOROSPE, Pharm.D.

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Reported By: CAROL NYGARD DROBNY, CSR No. 4018

Registered Merit Reporter

1 Q. And as of March you were still in that  
2 position.

3 Are you still Chief of Pharmacy Policy?

4 A. Yes.

5 Q. Do you recall last time going over some  
6 -- some reports from the Federal ATHSOIG and from  
7 California auditors regarding Medi-Cal pharmacy  
8 programs and Medicaid programs generally?

9 A. Yes.

10 Q. And, as you recall, some of those  
11 documents you recognized, some you -- some you did  
12 not, but generally you testified that you'd expect  
13 that someone from your pharmaceutical unit would  
14 have reviewed those types of documents?

15 A. Yes.

16 Q. I'm going to show you a couple of those  
17 reports that you looked at last time. I'm just  
18 trying to get a better understanding for how a  
19 report might come in to your possession or in to  
20 the possession of somebody in your unit.

21 So first I'm going to take -- this was  
22 previously marked as Exhibit 18 during the last

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1 Q. Do you have an understanding of the  
2 magnitude -- difference between actual acquisition  
3 costs and AWP's for the drugs that are in the  
4 California Complaint?

5 MR. BENNETT: Objection to form.

6 THE WITNESS: No, I don't.

7 BY MR. PAUL:

8 Q. At any time in your career at DHCS have  
9 you ever received any communication of any sort  
10 from Mylan explaining the differences between the  
11 AWP's it reports and providers' actual acquisition  
12 costs?

13 A. Not that I can recall.

14 Q. At any time in your career at DHCS have  
15 you ever received any communication of any sort  
16 from Sandoz explaining the differences between the  
17 actual acquisition costs for its drugs and Sandoz's  
18 reported AWP's?

19 A. Not that I can recall.

20 Q. I won't restate the question each time,  
21 but the same question regarding Dey  
22 Pharmaceuticals?

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1 A. Not that I recall -- not that I can  
2 recall, no.

3 Q. And Warrick?

4 A. Again, the answer is no.

5 Q. Schering?

6 A. No.

7 Q. Counsel for Sandoz showed you a letter  
8 addressed to Gail Margolis dated December 13th,  
9 2004. I think for the record that's Exhibit 58.

10 MS. BERWANGER: Objection to form. I  
11 don't believe I showed him that.

12 MR. PAUL: I'm sorry?

13 MS. BERWANGER: I don't believe I showed  
14 him that exhibit.

15 MR. PAUL: Do I have the wrong number?

16 I'm sorry, counsel. I'm sorry.

17 BY MR. PAUL:

18 Q. Counsel for Warrick showed you a letter  
19 addressed to Gail Margolis, and it's marked as  
20 Exhibit 58, and I think Mr. Bennett also showed you  
21 Exhibit 60.

22 No?